



4910-06-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

Docket Number FRA-2018-0076

Under part 211 of Title 49 of the Code of Federal Regulations (CFR), this provides the public notice that by a document dated September 7, 2018, the Canadian National Railway (CN) and its operating subsidiaries petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 220. FRA assigned the petition Docket Number FRA-2018-0076.

Specifically, CN seeks a waiver of 49 CFR 220.307, *Use of railroad-supplied electronic devices*, and 49 CFR 220.305, *Use of personal electronic devices*, to permit its employees to use certain fitness trackers while conducting their daily duties. The request pertains to the railroad-supplied (or personally purchased but railroad-approved) Virgin Pulse Max Pedometer and/or Virgin Pulse GoZone Pedometer (or later models). CN states the risk of distraction is minimized based on the devices' limited functionality and they are an aspect of an important well-being program.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at www.regulations.gov and in person at the Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Ave.,

SE, W12-140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- Web site: <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- Fax: 202-493-2251.
- Mail: Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE, W12-140, Washington, DC 20590.
- Hand Delivery: 1200 New Jersey Avenue, SE, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by [INSERT DATE 45 DAYS FROM PUBLICATION OF THIS NOTICE] will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or

signing the document, if submitted on behalf of an association, business, labor union, etc.).

Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy> .

See also <https://www.regulations.gov/privacyNotice> for the privacy notice of regulations.gov.

Issued in Washington, D.C.

Robert C. Lauby,
Associate Administrator for Railroad Safety
Chief Safety Officer.

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